

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3624

TOP SECRET



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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2019 MAR 20 AM 9:26

SENSITIVE

March 20, 2019

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Ben Holly *KDR BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation - 2018 30 Day Post-General Report
(Unauthorized Filers) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file or timely file the 2018 30 Day Post-General Report in accordance with 52 U.S.C. § 30104(a). The list is comprised of unauthorized committees that failed to file or timely file the 2018 30 Day Post-General Report.

The committees appearing on the 30 Day Post-General Report list either failed to file the report, filed the report within thirty (30) days of the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. § 111.43, these committees should be assessed the civil money penalties indicated in the attachment.

In order to determine the level of activity for unauthorized quarterly filers that failed to file or failed to timely file the 30 Day Post-General Report, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 30 Day Post-General Report (30 Day Report) submitted by an unauthorized quarterly filer that covered the period from October 1, 2018 through November 26, 2018 (57 days), was reviewed for activity which would have required the filing of a 12 Day Pre-General Report (12 Day Report). If our research indicated that the filing of a 12 Day Report was required, we utilized a two-step method to arrive at the estimated level of activity on which to base the fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 12G. Second, if the committee had any unitemized activity, a per diem level of activity was used by multiplying the total amount of activity on the report by 29.82% (17 days (12G Filing Period)/57 days (30G Filing Period)).
- The committees identified through this process as failing to file or failing to timely file the 12 Day Report were included in the Reason to Believe Recommendation circulated to the Commission on March 13, 2019. If the same committee also failed to file the 30 Day Report in a timely manner, we based the 30 Day Report fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the estimated level of activity for the 12 Day Report from the total amount of activity on the 30 Day Report. In these cases, the committees will also be assessed a fine for the 30 Day Report based on the estimated levels of activity described above and are included on the attached list.
- Every Year-End Report (YE) submitted by an unauthorized quarterly filer that covered the period from October 1, 2018 through December 31, 2018 (92 days) was reviewed for activity which would have required the filing of a 30G. If our research indicated that a 30G was required, we utilized a three-step method to arrive at the activity on which to base the 30G fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 30G. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 61.96% (57 days (30G Filing Period)/92 days (YE Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 30G. If the same committee was required to file the 12 Day Report, but failed to file this report, we utilized a three-step method to arrive at the activity on which to base the 30G fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a 30G. Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 43.48% (40 days (30G Filing Period)/92 days (YE Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the 30G.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

3/19/2019 3:02 PM

Federal Election Commission
Reason to Believe Circulation Report
2018 POST-GENERAL Not Election Sensitive 12/06/2018 UNAUTH

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3822	C00482579	AMERICAN PRINCIPLES	EYTAN LAOR	\$313,566	1	1/23/2019	48 (Not Filed*)	\$52,662	\$4,906
3824	C00658757	AMERICANS SUPPORTING VETERANS PAC	MARK SLY	\$576,156	0	12/23/2018	17	\$78,172	\$3,063

3/19/2019 3:02 PM

AF#	Committee ID	Committee Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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3644	C00157941	PEACE ACTION PAC/ FKA SANE/FREEZE PAC	ROSALIE GREENE	\$167,510	0	12/26/2018	20	\$76,996	\$3,501
3645	C00131706	PIPEFITTERS LOCAL UNION #524	PATRICK DOLAN	\$194,859	0		Not Filed	\$32,477 (est)	\$1,230

3685	C00522458	TOGETHER WE THRIVE	CHRISTOPHER ZULLO	\$133,515	0		Not Filed	\$19,074 (est)	\$684
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* The committee filed their report more than thirty (30) days after the due date; therefore, the report is considered not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2018)
30 Day Post-General Report (Unauthorized)
Filers) for the Administrative Fine Program:)

AMERICAN PRINCIPLES, and LAOR,) AF# 3622
EYTAN as treasurer;)

AMERICANS SUPPORTING VETERANS) AF# 3624
PAC, and SLY, MARK as treasurer;)

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PEACE ACTION PAC/ FKA) AF# 3644
SANE/FREEZE PAC, and ROSALIE)
GREENE as treasurer;)
PIPEFITTERS LOCAL UNION #524, and) AF# 3645
DOLAN, PATRICK as treasurer;)

TOGETHER WE THRIVE, and
CHRISTOPHER ZULLO as treasurer;

) AF# 3655
)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission,
do hereby certify that on March 21, 2019 the Commission took the following actions
on the Reason To Believe Recommendation - 2018 30 Day Post-General Report
(Unauthorized Filers) for the Administrative Fine Program as recommended in the
Reports Analysis Division's Memorandum dated March 20, 2019, on the following
committees:

AF#3622 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICAN PRINCIPLES, and LAOR, EYTAN in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3624 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICANS SUPPORTING VETERANS PAC, and SLY, MARK in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Introduction

Introduction

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UNCLASSIFIED

AF#3644 Decided by a vote of 4-0 to: (1) find reason to believe that PEACE ACTION PAC/ FKA SANE/FREEZE PAC, and ROSALIE GREENE in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3645 Decided by a vote of 4-0 to: (1) find reason to believe that PIPEFITTERS LOCAL UNION #524, and DOLAN, PATRICK in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

100-241153

AF#3655 Decided by a vote of 4-0 to: (1) find reason to believe that TOGETHER WE THRIVE, and CHRISTOPHER ZULLO in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

March 21, 2019

Date

Dayna C. Brown

Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 21, 2019

Mark Sly, in official capacity as Treasurer:
Americans Supporting Veterans PAC
8100 Ft Smallwood Rd
Baltimore, MD 21226

C00658757
AF#: 3624

Dear Mr. Sly:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year in which a regularly scheduled general election is held. This report, covering the period October 1, 2018 through November 26, 2018 shall be filed no later than December 6, 2018. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on December 23, 2018, 17 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On March 21, 2019, the FEC found that there is reason to believe ("RTB") that Americans Supporting Veterans PAC and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before December 6, 2018. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$3,063. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <https://www.fec.gov/af/pay.shtml> 11 CFR § 111.34. Your payment of \$3,063 is due within forty (40) days of the finding, or by April 30, 2019, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$78,172
Number of Days Late: 17
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 1050 First

Street, NE, Washington, DC 20002. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or April 30, 2019. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Americans Supporting Veterans PAC and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <https://www.fec.gov/af/pay.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,



Ellen L. Weintraub
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$3,063 for the 2018 Post-General Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Americans Supporting Veterans PAC

FEC ID#: C00658757

AF#: 3624

PAYMENT DUE DATE: April 30, 2019

PAYMENT AMOUNT DUE: \$3,063



Americans Supporting Veterans PAC

Honoring Our Veterans through Action

April 22, 2019

Office of Administrative Review
Feral Election Commission
1050 First Street, NE
Washington, DC 20463

RE: Americans Supporting Veterans Notice C00658757 - AF#: 3624 and AF#3665

To Whom it may concern;

I am writing to request an abatement of penalties in the amount of \$3,063 (Notice C00658757 - AF#: 3624) and \$6,541 (Notice C00658757 - AF#3665) as assessed in the enclosed notice that is dated April 8 2019.

The reports that were not properly filed are Year-End Report of Receipts and Disbursements for the 2018 calendar year and 30 Day Post-General Report of Receipts and Disbursements for the period covering October 1, 2018- November 26, 2018. The reason that these reports were not properly filed in time was due to our lack of inexperience in this business structure. We were unaware that we needed assistance from an outside vendor. In an immediate effort to rectify this situation and ensure proper management for all future reporting we have retained a PAC treasury service that will be guiding us moving forward (MorganMeredith.com).

Please accept my petition for abatement of penalties owed for reasonable cause. If you have any questions or need any additional information, you can reach me at info@americanssupportingvets.org. We sent a payment that covers the penalties we owe for AF#3624 in the amount of \$3063 today.

Sincerely,

Alexander Fakeri

Americans Supporting Veterans PAC

ARF:mif

American Supporting Veterans Abatement Letter

Sent to Office of Administrative Review

CC: Federal Election Commission

04/22/2019

8100 Rt. Smallwood Road

Baltimore, MD 21226

www.americanssupportingvets.org



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 23, 2019

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 3624 and AF# 3665 – Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer (C00658757)

Summary of Recommendation

Make a final determination in AF# 3624 that the respondents violated 52 U.S.C. § 30104(a) and assess a civil money penalty of \$3,063.

Make a final determination in AF# 3665 that the respondents violated 52 U.S.C. § 30104(a) and assess a civil money penalty of \$6,541.

Reason-to-Believe Background

The 2018 Post-General Report was due on December 6, 2018. The respondents filed the report on December 23, 2018, 17 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On March 21, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Post-General Report and made a preliminary determination that the civil money penalty was \$3,063 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on March 21, 2019 to notify them of the Commission's RTB finding and civil money penalty.

The 2018 Year-End Report was due on January 31, 2019. The respondents filed the report on March 29, 2019, 57 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On April 5, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Year-End Report and made a preliminary determination that the civil money penalty was \$6,541 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from

the Reports Analysis Division ("RAD") on April 8, 2019 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file a post-general report covering through the 20th day after the election no later than 30 days after the election. The committee shall also file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(c)(1). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents' Challenge

On April 29, 2019, the Commission received the written response ("challenge") from the respondents requesting abatement of both penalties. The Committee states the reports were not timely filed due to their "...inexperience in this business structure." To remedy their situation and ensure proper reporting in the future, they have retained a consultant.

Analysis

Commission records indicate the Committee was notified of their 2018 Post-General reporting requirement on multiple occasions prior to the filing deadline. On November 8, 2018, the Commission's Information Division sent the 2018 General Election Prior Notice to mark@mojo.biz, the email address listed on the Committee's Statement of Organization. The notice included the filing schedule for the remainder of 2018, including the 2018 Post-General and Year-End Report. On December 2, 2018, the Commission's Electronic Filing Office ("EFO") sent a reminder email regarding the 2018 Post-General Report to mark@mojo.biz and afakeri@mojo.biz. On December 7, 2018, the day following the filing deadline, EFO sent a late notification email to the same email addresses because the report had not yet been filed. On December 20, 2018, RAD sent the non-filer notification via email to mark@mojo.biz.

Commission records also indicate the Committee was notified of their 2018 Year-End reporting requirement on multiple occasions prior to the filing deadline. On December 21, 2018, the Commission's Information Division sent the 2018 Year-End Report Prior Notice to mark@mojo.biz, the email address listed on the Committee's Statement of Organization. On January 28, 2019, EFO sent a reminder email regarding the 2018 Year-End Report to mark@mojo.biz and afakeri@mojo.biz. On February 1, 2019, the day following the filing deadline, EFO sent a late notification email to the same email addresses because the report had not yet been filed. On February 19, 2019, RAD sent the non-filer notification via email to mark@mojo.biz.

Based on these notifications, the respondents should have been aware of the 2018 Post-General and Year-End filing requirements. Further, failure to know filing dates and inexperience of a Treasurer or committee staff are included at 11 C.F.R. § 111.35(d) as examples of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. Therefore, the Reviewing Officer recommends that the Commission make a final determination in AF# 3624 and AF# 3665 that the respondents violated 52 U.S.C. § 30104(a) and assess civil money penalties of \$3,063 in AF# 3624 and \$6,541 in AF# 3665.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3624 involving Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3624 that Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$3,063 civil money penalty;
3. Adopt the Reviewing Officer recommendation for AF# 3665 involving Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer, in making the final determination;
4. Make a final determination in AF# 3665 that Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$6,541 civil money penalty; and
5. Send the appropriate letter.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 –
- Attachment 4 – Declaration from RAD
- Attachment 5 – Declaration from OAR

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Americans Supporting Veterans PAC:
 - A) Non-Filer Letter, dated December 20, 2018, referencing the 2018 30 Day Post-General Report (sent via electronic mail to: mark@mojo.biz);
 - B) Non-Filer Letter, dated February 19, 2019, referencing the 2018 Year-End Report (sent via electronic mail to: mark@mojo.biz);
 - C) Reason-to-Believe Letter, dated March 21, 2019, referencing the 2018 30 Day Post-General Report (sent via overnight mail to the address of record);
 - D) Reason-to-Believe Letter, dated April 8, 2019, referencing the 2018 Year-End Report (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission's public records and find that Americans Supporting Veterans PAC filed the 2018 30 Day Post-General Report with the Commission on December 23, 2018, and the 2018 Year-End Report with the Commission on March 29, 2019.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 10th day of May, 2019.

Ben Holly for KDR

Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

December 20, 2018

SLY, MARK, TREASURER
AMERICANS SUPPORTING VETERANS PAC
8100 FT SMALLWOOD RD
BALTIMORE, MD 21226

IDENTIFICATION NUMBER: C00658757

REFERENCE: POST-GENERAL REPORT (10/01/2018 - 11/26/2018)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report or relevant portions must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact Aimee Wechsler in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1194.

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A committee not authorized by a candidate shall file a post-general report covering through the 20th day after the election no later than 30 days after the election.. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on December 6, 2018 for the 2018 Post-General Report to be timely filed.
- 3) A committee not authorized by a candidate shall file a report covering through December 31 no later than January 31 of the following calendar year. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on January 31, 2019 for the 2018 Year-End Report to be timely filed.
- 4) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover Page, Summary Page, and Detailed Summary Pages of the 2018 Post-General Report filed by Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer, and received on December 23, 2018.
 - b) Cover Page, Summary Page, and Detailed Summary Pages of the 2018 Year-End Report filed by Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer; and received on March 29, 2019.
- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 23rd day of May, 2019.

Rhiannon Magruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

Image# 201812239143662951

PAGE 1 / 9

**FEC
FORM 3X****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

Americans Supporting Veterans PAC

ADDRESS (number and street)

8100 Ft Smallwood Rod

Check if different
than previously
reported. (ACC)

Baltimore

MD

21226

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C C00658757

3. IS THIS
REPORTNEW
(N)

OR

AMENDED
(A)4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

- ☐ April 15
Quarterly Report (Q1)
- ☐ July 15
Quarterly Report (Q2)
- ☐ October 15
Quarterly Report (Q3)
- ☐ January 31
Year-End Report (YE)
- ☐ July 31 Mid-Year
Report (Non-election
Year Only) (MY)
- ☐ Termination Report
(TER)

(b) Monthly
Report
Due On:

- ☐ Feb 20 (M2) ☐ May 20 (M5) ☐ Aug 20 (M8) ☐ Nov 20 (M11)
(Non-Election
Year Only)
- ☐ Mar 20 (M3) ☐ Jun 20 (M6) ☐ Sep 20 (M9) ☐ Dec 20 (M12)
(Non-Election
Year Only)
- ☐ Apr 20 (M4) ☐ Jul 20 (M7) ☐ Oct 20 (M10) ☐ Jan 31 (YE)

(c) 12-Day
PRE-Election
Report for the:

- ☐ Primary (12P) ☐ General (12G) ☐ Runoff (12R)
- ☐ Convention (12C) ☐ Special (12S)

Election on

MM / DD / YYYY

in the
State of(d) 30-Day
POST-Election
Report for the:

- ☒ General (30G) ☐ Runoff (30R) ☐ Special (30S)

Election on

MM / DD / YYYY

in the
State of

5. Covering Period

MM / DD / YYYY

through

MM / DD / YYYY

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.
Sly, Mark, . .

Type or Print Name of Treasurer

Signature of Treasurer

Sly, Mark, . .

[Electronically Filed]

Date

MM / DD / YYYY

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. § 30109.

Office
Use
Only**FEC FORM 3X**
Rev. 05/2016

SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Rev. 05/2016)

Page 2

Write or Type Committee Name

Americans Supporting Veterans PAC

Report Covering the Period:

From:

M	M	/	D	D	/	V	V	V	V
10			01			2018			

To:

M	M	/	D	D	/	V	V	V	V
11			26			2018			

	COLUMN A This Period	COLUMN B Calendar Year-to-Date								
6. (a) Cash on Hand January 1, <table><tr><td>V</td><td>V</td><td>V</td><td>V</td></tr><tr><td>2018</td><td></td><td></td><td></td></tr></table>	V	V	V	V	2018					19072.99
V	V	V	V							
2018										
(b) Cash on Hand at Beginning of Reporting Period.....	19211.61									
(c) Total Receipts (from Line 19)	57239.00	228825.00								
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B).....	76450.61	247897.99								
7. Total Disbursements (from Line 31).....	20933.81	192381.19								
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)).....	55516.80	55516.80								
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00									
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	0.00									



This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 05/2016)

Page 3

Write or Type Committee Name

Americans Supporting Veterans PAC

Report Covering the Period:

From:

M	M	/	D	D	/	Y	Y	Y	Y
10			01			2018			

To:

M	M	/	D	D	/	Y	Y	Y	Y
11			26			2018			

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	0.00	1100.00
(ii) Unitemized	57239.00	227725.00
(iii) TOTAL (add Lines 11(a)(i) and (ii)).....▶	57239.00	228825.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5).....▶	57239.00	228825.00
12. Transfers From Affiliated/Other Party Committees.....	0.00	0.00
13. All Loans Received.....	0.00	0.00
14. Loan Repayments Received.....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....	0.00	0.00
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.).....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3).....	0.00	0.00
(b) Levin Funds (from Schedule H5).....	0.00	0.00
(c) Total Transfers (add 18(a) and 18(b))..	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)).....▶	57239.00	228825.00
20. Total Federal Receipts (subtract Line 18(c) from Line 19).....▶	57239.00	228825.00

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	0.00	0.00
(ii) Non-Federal Share	0.00	0.00
(b) Other Federal Operating Expenditures	20933.81	192381.19
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b))	20933.81	192381.19
22. Transfers to Affiliated/Other Party Committees	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees	0.00	0.00
24. Independent Expenditures (use Schedule E)	0.00	0.00
25. Coordinated Party Expenditures (52 U.S.C. § 30116(d)) (use Schedule F)	0.00	0.00
26. Loan Repayments Made	0.00	0.00
27. Loans Made	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c))	0.00	0.00
29. Other Disbursements (Including Non-Federal Donations)	0.00	0.00
30. Federal Election Activity (52 U.S.C. § 30101(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) ..	20933.81	192381.19
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31)	20933.81	192381.19

Image# 201903299145971681

PAGE 1 / 10

FEC
FORM 3XREPORT OF RECEIPTS
AND DISBURSEMENTS
For Other Than An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

Americans Supporting Veterans PAC

ADDRESS (number and street)

8100 Ft Smallwood Rod

Check if different
than previously
reported. (ACC)

Baltimore

MD

21226

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C

C00658757

3. IS THIS
REPORT☒NEW
(N)

OR

☐AMENDED
(A)

4. TYPE OF REPORT

(Choose One)

(a) Quarterly Reports:

☐ April 15
Quarterly Report (Q1)☐ July 15
Quarterly Report (Q2)☐ October 15
Quarterly Report (Q3)☒ January 31
Year-End Report (YE)☐ July 31 Mid-Year
Report (Non-election
Year Only) (MY)☐ Termination Report
(TER)(b) Monthly
Report
Due On:☐ Feb 20 (M2)☐ May 20 (M5)☐ Aug 20 (M8)☐ Nov 20 (M11)
(Non-Election
Year Only)☐ Mar 20 (M3)☐ Jun 20 (M6)☐ Sep 20 (M9)☐ Dec 20 (M12)
(Non-Election
Year Only)☐ Apr 20 (M4)☐ Jul 20 (M7)☐ Oct 20 (M10)☐ Jan 31 (YE)(c) 12-Day
PRE-Election
Report for the:☐

Primary (12P)

☐

General (12G)

☐

Runoff (12R)

☐

Convention (12C)

☐

Special (12S)

Election on

MM / DD / YYYY

In the
State of(d) 30-Day
POST-Election
Report for the:☐

General (30G)

☐

Runoff (30R)

☐

Special (30S)

Election on

MM / DD / YYYY

In the
State of

5. Covering Period

MM / DD / YYYY
11 / 27 / 2018

through

MM / DD / YYYY
12 / 31 / 2018

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Sly, Mark, . .

Type or Print Name of Treasurer

Signature of Treasurer

Sly, Mark, . .

[Electronically Filed]

Date

MM / DD / YYYY
01 / 01 / 2019

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. § 30109.

Office
Use
OnlyFEC FORM 3X
Rev. 05/2016

SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Rev. 05/2016)

Page 2

Write or Type Committee Name

Americans Supporting Veterans PAC

Report Covering the Period:

From:

M	M	/	D	D	/	Y	Y	Y	Y
11			27			2018			

To:

M	M	/	D	D	/	Y	Y	Y	Y
12			31			2018			

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 2018		19072.99
(b) Cash on Hand at Beginning of Reporting Period.....	55516.80	
(c) Total Receipts (from Line 19)	52607.00	281432.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B).....	108123.80	300504.99
7. Total Disbursements (from Line 31).....	67002.00	259383.19
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)).....	41121.80	41121.80
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	

☐ This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 05/2016)

Page 3

Write or Type Committee Name

Americans Supporting Veterans PAC

Report Covering the Period:

From:

M	M	/	D	D	/	Y	Y	Y	Y
11			27			2018			

To:

M	M	/	D	D	/	Y	Y	Y	Y
12			31			2018			

I. Receipts
COLUMN A
Total This Period

COLUMN B
Calendar Year-to-Date

11. Contributions (other than loans) From:

- (a) Individuals/Persons Other Than Political Committees
- (i) Itemized (use Schedule A).....
- (ii) Unitemized
- (iii) TOTAL (add Lines 11(a)(i) and (ii)).....▶

100.00
52507.00
52607.00

1200.00
280232.00
281432.00

- (b) Political Party Committees
- (c) Other Political Committees (such as PACs).....
- (d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5)

0.00
0.00
52607.00

0.00
0.00
281432.00

12. Transfers From Affiliated/Other Party Committees.....

0.00

0.00

13. All Loans Received

0.00

0.00

14. Loan Repayments Received.....

0.00

0.00

15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....

0.00

0.00

16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....

0.00

0.00

17. Other Federal Receipts (Dividends, Interest, etc.).....

0.00

0.00

18. Transfers from Non-Federal and Levin Funds

- (a) Non-Federal Account (from Schedule H3)

0.00

0.00

- (b) Levin Funds (from Schedule H5)

0.00

0.00

- (c) Total Transfers (add 18(a) and 18(b))..

0.00

0.00

19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)).....▶

52607.00

281432.00

20. Total Federal Receipts (subtract Line 18(c) from Line 19).....▶

52607.00

281432.00

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	0.00	0.00
(ii) Non-Federal Share	0.00	0.00
(b) Other Federal Operating Expenditures	67002.00	259383.19
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b))	67002.00	259383.19
22. Transfers to Affiliated/Other Party Committees	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees	0.00	0.00
24. Independent Expenditures (use Schedule E)	0.00	0.00
25. Coordinated Party Expenditures (52 U.S.C. § 30116(d)) (use Schedule F)	0.00	0.00
26. Loan Repayments Made	0.00	0.00
27. Loans Made	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c))	0.00	0.00
29. Other Disbursements (Including Non-Federal Donations)	0.00	0.00
30. Federal Election Activity (52 U.S.C. § 30101(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) ..	67002.00	259383.19
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31)	67002.00	259383.19



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 23, 2019

Mark Sly, in official capacity as Treasurer
Americans Supporting Veterans PAC
8100 Ft. Smallwood Road
Baltimore, MD 21226

C00658757
AF#: 3624 and 3665

Dear Mr. Sly:

On March 21, 2019, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Americans Supporting Veterans PAC and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Post-General Report. The Commission also made a preliminary determination that the civil money penalty was \$3,063 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 5, 2019, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Americans Supporting Veterans PAC and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Year-End Report. The Commission also made a preliminary determination that the civil money penalty was \$6,541 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination and assess a civil money penalty in both AF# 3624 and AF# 3665. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 1050 First Street, NE, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

1600992724141



Americans Supporting Veterans PAC

Honoring Our Veterans through Action

July 2, 2019

Office of Administrative Review
Feral Election Commission
1050 First Street, NE
Washington, DC 20463

RE: Americans Supporting Veterans Notice3 C00658757 - AF#: 3624 and AF#3665

Rhiannon Magruder,

I am following up regarding our request an abatement of penalties that we have paid and plead our case and fees associated with Notice C00658757-AF#:364 (\$3,063) and AF#:3665 (\$6,541), as assessed in the notice sent to us on April 8, 2019 and your response sent to Mark Sly on May 23, 2019.

My team has been very focused on building a PAC that will provide value to veterans across our country; as a disabled veteran myself, this cause is very important to me. Since our inception, we have been making every effort to perform for the donors of the PAC, the recipients, political candidates and operate and file as the law required. We understand that we made a mistake in our filing process in our first year and your organization did everything they needed to do communicate with us and by providing opportunities to work with you.

However, we are further asking that you reconsider based on some information you may not have been aware of. There have been some extenuating circumstances, with regards to communication and operational challenges that have added to the predicament we find our PAC in. A very challenging example has been that for long while, we weren't getting your emails because they were being funneled into our spam folders through a paid Outlook 360 service. In fact we didn't even know there were issues with our status with the FEC until we received the hard copy that was mailed to us. This simple technical issue has come to a head and we recently rectified it; further more we will always be actively and aggressively avoiding a repeat of this in the future.

Operationally speaking, we needed to better understand the filing requirements and as a start up organization, we weren't fully aware of the intricacies of filing and staying compliant. As mentioned in our previous letter, we are now working with an attorney that is experienced with these matters and is keeping us up to speed.

8100 Ft. Smallwood Road
Baltimore MD 21226
www.americansupportingvets.org



Americans Supporting Veterans PAC

Hónoring Our Veterans through Action

In closing, I have to say, what is most disheartening is that while we had the best intentions to do our jobs effectively, it is an issue with technology and our lack of experience that has cost veterans and those fighting for veterans almost \$9,604 in monies that could have gone to a good cause.

For all of these reasons and more, I'm humbly asking you to reconsider these penalties that we have paid and that you would waive said penalties and return the \$9,604 or a lesser amount that you feel is appropriate. My team has learned from this experience, we are working with a 3rd party vendor to provide objective support, we have improved our technology and my team is better prepared. We sincerely thank you for your time, flexibility to hear our response to your letter, and considering waiving the assessed fees.

Sincerely,

Alexander Fakeri

Americans Supporting Veterans PAC

ARF:arf

American Supporting Veterans Abatement Letter follow up

Sent to Office of Administrative Review

CC: Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

July 9, 2019

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *DC* for PCO
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3624 and AF# 3665 – Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer (C00658757)

On March 21, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Post-General Report and made a preliminary determination that the civil money penalty was \$3,063 based on the schedule of penalties at 11 C.F.R. § 111.43. On April 5, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Year-End Report and made a preliminary determination that the civil money penalty was \$6,541 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 29, 2019, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated May 23, 2019 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination in AF# 3624 and AF# 3665.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On July 2, 2019, the respondents submitted a response requesting that the Commission reconsider the penalties.

The respondents state that the Committee has made every effort to comply and acknowledge their inexperience. The respondents further explain that they did not receive Commission emails because they were automatically filtered into spam folders. The Committee has since resolved this issue. In addition, the Committee is now working with an experienced

10062724144

attorney and third-party vendor to help with filings and compliance. The Committee has learned from this experience and is now better prepared.

As stated in the ROR, failure to know filing dates and inexperience of a Treasurer or committee staff are included at 11 C.F.R. § 111.35(d) as examples of a circumstance that will not be considered reasonably unforeseen and beyond the respondents' control. Therefore, the Reviewing Officer recommends that the Commission make a final determination in AF# 3624 and AF# 3665 that the respondents violated 52 U.S.C. § 30104(a) and assess civil money penalties of \$3,063 in AF# 3624 and \$6,541 in AF# 3665.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3624 involving Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3624 that Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$3,063 civil money penalty;
3. Adopt the Reviewing Officer recommendation for AF# 3665 involving Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer, in making the final determination;
4. Make a final determination in AF# 3665 that Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$6,541 civil money penalty; and
5. Send the appropriate letter.

16002724145

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AFs 3624 and 3665
Final Determination Recommendation:)
Americans Supporting Veterans PAC,)
and Mark Sly, in his official capacity as)
Treasurer (C00658757))

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on August 05, 2019, the Commission decided by a vote of 4-0 to take the following actions in AFs 3624 and 3665:

1. Adopt the Reviewing Officer recommendation for AF# 3624 involving Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3624 that Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$3,063 civil money penalty.
3. Adopt the Reviewing Officer recommendation for AF# 3665 involving Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer, in making the final determination.
4. Make a final determination in AF# 3665 that Americans Supporting Veterans PAC and Mark Sly, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$6,541 civil money penalty.
5. Send the appropriate letter.

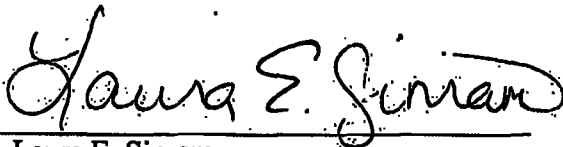
Federal Election Commission
AF# 3624 and AF# 3665
August 05, 2019

Commissioners Hunter, Petersen, Walther, and Weintraub voted
affirmatively for the decision.

Attest:

8/5/19

Date



Laura E. Sinram

Acting Secretary and Clerk of the
Commission

160004744147



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 6, 2019

Mark Sly, in official capacity as Treasurer
Americans Supporting Veterans PAC
8100 Ft. Smallwood Road
Baltimore, MD 21226

C00658757
AF#: 3624

Dear Mr. Sly:

On March 21, 2019, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Americans Supporting Veterans PAC and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Post-General Report. By letter dated March 21, 2019, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,063 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 29, 2019, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Americans Supporting Veterans PAC and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assess a civil money penalty in the amount of \$3,063 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on May 23, 2019.

On August 5, 2019, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Americans Supporting Veterans PAC and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assessed a civil money penalty in the amount of \$3,063. A copy of the Final Determination Recommendation is attached.

On May 21, 2019, the Commission received your payment of \$3,063.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

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Ellen L. Weintraub

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